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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,470	02/27/2002	Brian Tuchtenhagen	10012668-1	3010

7590 04/21/2006

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EXAMINER

LEE, CHEUKFAN

ART UNIT PAPER NUMBER

2625

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/087,470	Applicant(s) TUCHTENHAGEN, BRIAN	
	Examiner Cheukfan Lee	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 and 23-32 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-8 and 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Cheukfan Lee*

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1. Claims 1-20 and 23-32 are pending. Claims 1, 2, 9, 14, 23, 25, and 29 are independent.
2. Applicant is reminded that the claims 29-31 are still pending and exist in the Listing of Claims presented in the amendment filed February 10, 2006, unlike what is stated in the remarks in the last paragraph of page 10 of the amendment.
3. This application is in condition for allowance except for the following formal matters:

In the specification:

Page 7, line 14, "primary media release device 160" should read – priority media release device 160 --. See the term on lines 7 and 19; and

Page 7, lines 14-15, "to selectively block media (M2) in the priority feed tray 108 from the priority media feed mechanism 142" should be changed to – to selectively block media (M2) in the priority feed tray 108 from being released to the priority media feed mechanism 142 --, since the priority media is/are not from the feed mechanism 142 to start with. **Please also check for this language throughout the specification and make necessary correction.**

In the abstract:

Lines 5-6, "from the media feed mechanism" should be changed to – from being released to the media feed mechanism --.

In the claims:

In claim 1, line 7, "from the media feed mechanism" should be changed to – from being released to the media feed mechanism – (see discussion above for that limitation in the specification).

In claim 2, lines 7 and 11, "from the media feed mechanism" should be changed to – from being released to the media feed mechanism --.

In claim 8, lines 3-4, "from the media feed mechanism" should be changed to – from being released to the media feed mechanism --.

In claim 14, line 8, "from the media feed mechanism" should be changed to – from being released to the media feed mechanism --.

**In this Office Action, the specification, the abstract, claims 1, 2, 8, and 14 and thus dependent claims 3-7 and 15-20 depending on claims 2 or 14 are objected to. In other words for the claims, claims 1-8 and 14-20 are objected to.**

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

4. The following is an examiner's statement of reasons for allowance:

Claim 1 would be allowable. The examiner agree with Applicant on that Tanimoto (6,952,280) does not disclose a priority media release device configured to selectively block media in the priority feed tray from being released to the media feed mechanism, and admit media in the priority feed tray to the media feed mechanism as claimed in claim 1. See Applicant's remarks, page 9.

Claim 8 depends on claim 1.

Claim 2 has been rewritten in independent form. Claim 2 recites the limitations of claim 1 and additional limitations.

Claims 3-7 depend on claim 2.

Claim 9 as amended recites "a priority media release device movable between a media blocking position and a media admitting position under control of the processor", which is not taught by the closest prior art Tanimoto (6,952,280).

Claims 10-13 depend on claim 9.

Claim 14 recites limitations similar to those of claim 1.

Claims 15-20 depend on claim 14.

Claim 23 has been rewritten in independent claim. The closest prior art Tanimoto (6,952,280) does not disclose that the applications program is configured to

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automatically apply the media type designation to the image file indicating the priority tray as the source of the imaging media as claimed in claim 23.

Claim 24 depends on claim 23.

Claims 25 and 29 are method claims reciting method steps corresponding to the apparatus claim 14 and therefore, are allowable for the reason given for claim 14.

Claims 26-28 and 30-32 depend on claims 25 or 29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheukfan Lee whose telephone number is (571) 272-7407. The examiner can normally be reached on 9:30 a.m. to 6:00 p.m., Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheukfan Lee  
April 13, 2006



Cheukfan Lee